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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,583	06/16/2005	Eran Sitnik	9432-181/NP	2553

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/509,583	Applicant(s) SITNIK ET AL.	
	Examiner Justin M. Philpott	Art Unit 2616	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application..
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040929, 20050901</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 11-14, 16-28, 32-42, 45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,961,603 to Kunkel et al.

Regarding claims 1, 11, 22, 32, 36, 42, 45 and 46, Kunkel teaches a portal system employing a handheld media delivery device comprising: an input (e.g., via keyboard, mouse, remote, see col. 4, lines 11-22 and FIG. 1) adapted to receive a request for additional media content (e.g., see col. 4, lines 30-58 regarding requests for more detailed information associated with the broadcast) from the handheld media delivery device (e.g., remote control device 23), wherein the handheld media delivery device (e.g., 23) is adapted to receive broadcast media content having media content information (e.g., broadcast video programming having ID tags referencing hyperlink information, see col. 5, lines 26-43 and lines 57-64), adapted to formulate the request based on the media content information (e.g., see col. 8, lines 44-46 regarding hyperlinking commands), adapted to communicate the request for additional media content to the portal system (e.g., communicating to the headend, see col. 8, lines 46-58), adapted to receive the additional media content from the portal system (e.g., via headend 14 coupled to network 18 and terminals 20, see col. 6, lines 33-56 regarding processor 54 in headend 14 for sending and

Art Unit: 2616

receiving requests), and adapted to deliver the additional media content to a consumer (e.g., via HTML data); a retrieval mechanism (e.g., communications controller 70, see col. 13, lines 4-8) adapted to retrieve additional media content based on the request; and an output (e.g., output coupling server 50 to network 16, see FIG. 2) adapted to communicate the additional media content to the handheld media delivery device, thereby supplementing the media content.

Regarding claims 2, 18, 23 and 39, Kunkel teaches a request parser (e.g., duplex filter 86, see col. 7, lines 56-66) is adapted to parse the request.

Regarding claims 3, 12, 24 and 33, Kunkel teaches the output is adapted to acknowledge the request by sending an acknowledgement to the handheld media delivery device (e.g., see col. 9, lines 49-59).

Regarding claims 4, 5, 16, 17, 25, 26, 37 and 38, Kunkel teaches a data packetizer is adapted to packetize the media content (e.g., see col. 9, lines 34-48 regarding downstream packet, which is inherently packetized by a packetizer).

Regarding claims 6 and 27, Kunkel teaches the retrieval mechanism is adapted to retrieve the additional media content from local server memory (e.g., local server memory 44/46).

Regarding claims 7 and 28, Kunkel teaches the retrieval mechanism is adapted to retrieve the additional media content from a remote location via a communication system (e.g., remote database 42).

Regarding claims 13, 14, 19, 20, 34, 35, 40 and 41, Kunkel further teaches a request status manager is adapted to update the status of a request based upon an acknowledgement and the user interface is able to communicate the status of the request to the consumer (e.g., see col. 9, line 35 - col. 10, line 36 regarding communications controller 70 and housekeeping payloads).

Regarding claim 21, Kunkel teaches determining whether a connection to the system is available, queue requests locally, and store requests until a connection is available (e.g., see col. 11, line 51 - col. 12, line 62).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10, 15, 29-31, 43, 44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel view of U.S. Patent Application Publication No. 2001/0013123 A1 by Freeman et al.

Regarding claims 8 and 29, Kunkel teaches the system discussed above regarding claims 1 and 27, however, may not specifically disclose a user profile manager for updating user profiles. However, Freeman also teaches a media delivery device and further teaches a user profile manager (e.g., see user information database 136 in FIG. 1a) is adapted to update a user profile based on a request (e.g., see paragraphs 0009-0010). The teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be motivated to apply the teachings of Freeman to the system of Kunkel in order to provide improved compatibility between advertisements and user preferences for media viewing.

Regarding claims 9, 15 and 30, Freeman teaches a back channel (e.g., see paragraph 0014 regarding backchannel communication link) is adapted to communicate the user profile to a media content provider (e.g., transmission center 102). As discussed above, the teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be motivated to apply the teachings of Freeman to the system of Kunkel in order to provide improved compatibility between advertisements and user preferences for media viewing.

Regarding claims 10 and 31, Freeman teaches an input (e.g., 148) is adapted to receive a request based on media content information targeted to the user profile. As discussed above, the teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be motivated to apply the teachings of Freeman to the system of Kunkel in order to provide improved compatibility between advertisements and user preferences for media viewing.

Regarding claims 43, 44 and 47, Freeman further teaches information is an electronic coupon (e.g., see paragraph 0018, wherein advertisements via Internet and PDA related media implicitly encompass electronic coupons), extra advertising information (e.g., see paragraph 0016 regarding customized advertisements), or is stored in a portable device for review by the consumer after advertising information has been disseminated (e.g., see paragraph 0018 regarding storage in a PDA). As discussed above, the teachings of Freeman provide improved compatibility between advertisements and user preferences for media viewing (e.g., see paragraph 0008). Thus, at the time of the invention one of ordinary skill in the art would be

motivated to apply the teachings of Freeman to the system of Kunkel in order to provide improved compatibility between advertisements and user preferences for media viewing.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication Nos. 2002/0016969 by Kimble and 2002/0026642 by Augenbraun et al. each disclose media delivery device systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571.272.3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Justin M. Philpott